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**TITLE 312 NATURAL RESOURCES COMMISSION**

**Economic Impact Statement**

LSA Document #12-381

**IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses**

**Estimated Number of Small Businesses Subject to this Rule:**

Ten fishing guides, 320 inland commercial fishing license holders, 19 Ohio commercial fishing license holders, 30 roe harvesters, and 5 roe dealers.

**Estimated Average Annual Reporting, Record Keeping, and Other Administrative Costs Small Businesses Will Incur for Compliance:**

One thousand two hundred dollars (\$1,200) per year for an estimated time of 12 hours per year (\$10 per hour) to complete the transaction forms, monthly report forms, and submit the application form

**Estimated Total Annual Economic Impact on Small Businesses to Comply:**

Two thousand two hundred dollars (\$2,200) per year to purchase the roe harvesters license and complete the records required. Those who are also roe dealers will incur an additional cost of \$5,000 per year for the roe dealer license

**Justification Statement of Requirement or Cost:**

The amendments to [312 IAC 9-7-17](#) change "charter boat operator license" to "fishing guide license" to comply with state statute in [IC 14-22-15](#). The Indiana General Assembly changed the statute to make it a fishing guide license and require this license for any individual that takes another individual sport fishing for hire on public waters, with or without a boat. The reporting and other requirements remain the same, but this license is now required by statute for individuals that take others sport-fishing for hire on public waters with or without a boat. This license was formerly called the charter boat operator's license and was required only when a boat was used. Those individuals that do not use a boat will now have to obtain this license to take an individual sport fishing for hire on public waters, but there are no new requirements for those who use a boat and were licensed in the past.

The new rules for the roe harvester's license in [312 IAC 9-8-7](#) and roe dealer's license in [312 IAC 9-8-8](#) are needed to comply with state statute in [IC 14-22-13-2.5](#). As a result of the creation of the roe harvesters and roe dealer's licenses in state law ([IC 14-22-13-2.5](#)) last year, corresponding rules are needed to administer these licenses and specify requirements. License requirements were established this year in a temporary (emergency) rule. A commercial fishing license is also required by state law in [IC 14-22-13-1](#) and [IC 14-22-13-2](#). The state law in [IC 14-22-13-2.5\(d\)](#) requires the Department of Natural Resources (DNR) to limit the number of licenses that are available to help prevent overharvest of the resource. The DNR has proposed 15 for the Ohio River and 15 for inland water. These numbers will allow everyone that is currently harvesting roe-bearing species to continue to operate. Priorities must be established in rule in order to have a system for determining who is issued a license first. The requirements in subsection (f) are needed to track the number of roe-bearing fish that are harvested as well as the date, length of the fish, and location where harvested. The inactive license form will allow someone who no longer wants to fish for roe-bearing species the remainder of the year to submit this form to eliminate the need for monthly reporting requirements for the remainder of that calendar year. The requirements of allowing fish to be sold only to Indiana-licensed roe dealers complies with state statute in [IC 14-22-13-2.5\(d\)](#), and the roe must be left intact and inside the body of the fish to comply with [IC 14-22-13-2.5\(d\)](#). Subsection (g) allows a roe harvester to sell the meat of a roe-bearing species of fish that does not contain roe to any other person. This will help prevent these fish from being wasted. The requirements in subsection (i) are needed to help a conservation officer confirm compliance with the requirements in [312 IAC 9](#).

**Regulatory Flexibility Analysis of Alternative Methods:**

By not proposing these rules governing fishing guide licenses and roe harvesters and dealers licenses, these rules would not be in compliance with state law. Many of the changes for the commercial fishing license holders clarify tagging and other requirements that will assist license holders in complying with the rules. The DNR could modify the monthly reporting requirements, but these requirements are necessary to help monitor and maintain the paddlefish and shovelnose sturgeon populations and help ensure compliance with the rules. If the DNR did not prohibit the cutting or mutilation of roe-bearing species, other than just paddlefish, to check for eggs, many more shovelnose sturgeon will continue to be cut and thrown away, some of them with life-threatening injuries. Furthermore, requiring commercial fishing gear to be removed upon completion of fishing, and not just from the water, birds and other species of wildlife will be less likely to get caught in nets along the shoreline.

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